

IN THE UNITED STATES DISTRICT COURT  
OF HAWAII

MARA AMONE individually,	)	CIVIL NO. CV04 00508
and on behalf of all	)	ACK/BMK
persons similarly	)	(Class Action)
situated,	)	
	)	<b>DECLARATION OF SHELBY</b>
Plaintiffs,	)	<b>ANNE FLOYD; EXHIBIT "1"</b>
	)	
vs.	)	
	)	
STEPHANIE AVEIRO, in her	)	
official capacity as the	)	
Executive Director of	)	
the Housing and	)	
Community Development	)	
Corporation of Hawaii;	)	
HOUSING AND COMMUNITY	)	
DEVELOPMENT CORPORATION	)	
OF HAWAII, a duly	)	
organized and recognized	)	
agency of the State of	)	
Hawaii,	)	
	)	
Defendants.	)	
	)	
	)	

**DECLARATION OF SHELBY ANNE FLOYD**

I, SHELBY ANNE FLOYD, do hereby declare and under penalty of perjury that the following facts are true and correct:

1. I am an officer and Director of the law

firm of Alston Hunt Floyd & Ing ("AHFI"), co-counsel for the Plaintiff class herein. I received my Juris Doctorate degree from Columbia University School of Law in 1975 with honors. I was licensed to practice law in Hawaii State and Federal Courts in 1976, in the Ninth Circuit Court of Appeals in 1976, and before the United States Supreme Court in 2002.

2. I make this Declaration based on my personal knowledge and I am competent to testify as to the matters set forth herein.

3. I have been appointed class counsel in such cases as Felix v. Waihee, Civ. No. 93-00367 DAE (D.Haw.); Burns-Vidlak v. Chandler, 980 F.S. 1144 (D.Haw.1997), 939 F. Supp. 765 (D.Haw. 1996); Sterling v. Chandler, Civ. No. 98-0025 8 SOM (D.Haw.1998); and Pasatiempo v. Aizawa, 103 F.2d. 796 (9<sup>th</sup> Cir.1996).

4. The Complaint in this case sought declaratory and injunctive relief for the Plaintiffs and essentially asked the Court to order Defendants to comply with the applicable laws and regulations

relating to the supplemental utility allowance for eligible disabled federal public housing residents.

5. The Plaintiffs acknowledge that based on the Court's Order granting class certification, the Order granting Plaintiffs motion for partial summary judgment, and the corrective measures undertaken and completed by Defendants as a result of the litigation, the requested declaratory and injunctive relief has been obtained and effectuated, making settlement of this case appropriate.

6. I engaged in extensive settlement discussions directly with the Office of the Attorney General and our efforts resulted in a Settlement Agreement. The Plaintiffs' conditions for settling the case were: 1) HCDCH amend its reasonable accommodation form to specifically provide a category indicating a requested change to the resident's utility allowance based on the use of a medical device using electricity; 2) HCDCH file a court document indicating its corrective measures and compliance with the Court's previous

orders; and 3) HCDCH agree to pay Plaintiffs' attorneys fees and costs in the amount of \$ **40,138.59**.

7. Defendants have agreed to or have complied with all of Plaintiffs' conditions. HCDCH has amended its Reasonable Accommodation form as requested by Plaintiffs, Defendants will be filing a declaration detailing its corrective measures as part of this filing, and payment of the Plaintiffs' attorneys fees and costs will be made following disposition of the case.

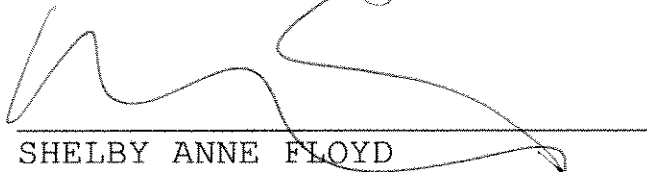
8. As a result, there is nothing further that the present litigation can accomplish on behalf of the Plaintiffs and settlement of the case at this time is appropriate.

9. The parties have agreed to the attached Notice, **Exhibit "1", hereto**, informing the class members of the proposed settlement, subject to the Court's approval.

I swear under penalty of perjury that the foregoing  
is true and correct, to the best of my knowledge,  
information and belief.

DATED: Kailua-Kona, Hawaii

February 16, 2007.

  
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SHELBY ANNE FLOYD